



DECISION NOTICE

2023 STATEWIDE FISHERIES MANAGEMENT PLAN FORT PECK RESERVOIR MANAGEMENT PLAN

October 2, 2023

ACTION

Decision Notice (DN). Montana Fish, Wildlife & Parks (FWP) shall prepare a DN for the proposed action. The DN must identify the agency decision, the reasons for the decision, and any special conditions surrounding the decision or its implementation.

With this action, FWP hereby adopts the Draft Environmental Assessment or Draft EA as final, without modification, and approves Alternative 2, the proposed action. See *Background and Description of Proposed Project* below.

AUTHORITY: MONTANA ENVIRONMENTAL POLICY ACT

According to the applicable requirements of the Montana Environmental Policy Act or MEPA and its implementing rules and regulations, before a proposed action may be approved, environmental review must be conducted to identify, consider, and disclose any potential impacts of the proposed action on the affected physical environment and human population. *Title 75, Chapter 1, Parts 1 through 3, Montana Code Annotated (MCA); ARM 12.2.428, et. seq.*

Based on these factors, FWP determined the Draft EA constitutes the appropriate level of review for the proposed action. Therefore, to assess and disclose potential impacts of the proposed action, FWP prepared a Draft EA for public review and comment. See *Public Participation Process* below.

Further, FWP must consider any substantive comments received in response to an EA and proceed in accordance with one of the following steps: determine the EA did not adequately reflect the issues raised by the proposed action and issue an Environmental Impact Statement or EIS; determine the EA did not adequately reflect the issues raised by the proposed action and issue a supplemental EA; or determine the Draft EA adequately addressed the issues raised by the proposed action and make a final decision, with appropriate modification resulting from the analysis provided in the Draft EA and the analysis of any substantive public comments received. See *Public Comment and FWP Response* below.

PUBLIC PARTICIPATION PROCESS

The Draft EA was made available for public review and comment from August 21, 2023, to September 25, 2023. FWP issued notice of the Draft EA to media outlets and reporters across Montana. The media list

included more than 70 newspapers, local television stations, online outlets, and radio outlets. Public notice announced availability of the Draft EA for public review, summarized the proposed project, identified the time-period available for public comment, and provided direction for submitting comments. Further, the Draft EA was posted on FWP's Public Notice webpage: <https://fwp.mt.gov/news/public-notices> and was also made available for public review on the Environmental Quality Council or EQC website: <https://leg.mt.gov/mepa/search/>, by individual request, and through notice to identified interested parties. FWP received substantive comments on the proposed action during the public comment period.

BACKGROUND AND DESCRIPTION OF PROPOSED ACTION

Statewide Fisheries Management Plan

The Statewide Fisheries Management Plan (SFMP) was first implemented in 2013 and was last updated in 2019. In 2021, the Montana State Legislature required FWP to review and update the SFMP. The SFMP is intended to describe FWP programs that manage aquatic habitats and resources and describe management emphasis and priorities in 40 drainages across the state.

The SFMP describes how programs and activities meet FWP's mission to "steward the fish, wildlife, parks, and recreational resources for the public, now and into the future." Further, the SFMP supports the core values of the agency and "preserves, maintains, and enhances aquatic species and their ecosystems to meet the public's demand for recreational opportunities and stewardship of aquatic wildlife." The proposed SFMP meets these objectives through the 20 programs listed below. A detailed description of the listed programs is available for review in the Draft EA:

- Fish Habitat and Connectivity
- Fisheries Mitigation
- Stream Permitting
- Instream Flow Protection
- Water Quality Protection
- Future Fisheries Improvement Program
- Community Ponds Program
- Aquatic Invasive Species Program
- Fish Health Program
- Fish Propagation, Allocation, and Distribution
- Management Planning
- Fishing Regulations
- Monitoring Fish Populations and Ecological Health
- Fisheries Research
- Angler and Creel Surveys
- Drought Related Fishing Restrictions and Closures
- Illegal and Unauthorized Fish Introductions
- Fish Removals
- Permitted Commercial and Private Activities (commercial bait seining, fishing contests, private pond permits, commercial fishing, commercial hatcheries, and scientific collectors permits)
- Youth and Family Fishing

Fort Peck Reservoir Management Plan

In addition to the overarching Statewide Fisheries Management Plan, FWP may develop fisheries management plans for specific issues. The Fort Peck Reservoir Fisheries Management Plan is one of those plans and part of this EA and DN. The Fort Peck Reservoir Fisheries Management Plan describes fisheries monitoring, fishing contests, management plan directives, fisheries management, and other issues and will

be used by FWP to direct fisheries management activities on Fort Peck Reservoir for the next 10 years (2024-2033). A detailed description of the listed programs is available for review in the [Fort Peck Reservoir Fisheries Management Plan](#).

PURPOSE AND NEED

FWP's purpose is to provide fisheries management direction within the state of Montana under the new programmatic plan (2023 Statewide Fisheries Management Plan, 2024 Fort Peck Reservoir Fisheries Management Plan). Under the proposed action, FWP would adopt and implement the plans to:

- Adaptively guide FWP planning and policy decisions regarding fisheries management and conservation in Montana.
- Guide FWP in meeting their statutory obligation to sustainably manage fish populations in Montana.
- Assist affected FWP personnel when considering fisheries management recommendations to the commission and/or other affected state and local natural resources management agencies.
- Define FWP's public commitment to responsibly manage fish populations statewide with an emphasis on wild and native fish species.
- Provide the public, other affected state, local and federal agencies, and affected NGOs with transparency related to FWP's fisheries management strategies.

The plans will be reviewed and updated every four years (Statewide Fish Management Plan) or ten years (Fort Peck Reservoir Fisheries Management Plan) hereafter to assess accomplishments, outline ongoing efforts, and outline priorities for the next fisheries management planning cycles.

ALTERNATIVES ANALYZED

Alternative 1: No Action

In addition to the proposed action, and as required by MEPA, FWP analyzes the "No-Action" alternative in the EA. Under the No-Action alternative, the proposed action would not occur. Therefore, no additional impacts to the human environment would occur. The No Action alternative forms the baseline from which the potential impacts of the proposed action may be measured.

Under the No Action alternative FWP would continue to use the Statewide Fisheries Management Program and Guide, 2019-2027. The "No Action" alternative may not comply with SB360 (2021 Montana Legislature), requiring FWP to update the existing statewide fisheries management plan. Fisheries management descriptions, priorities, and objectives would not be updated for the affected 40 drainages across the state and the statewide fisheries management plan would not be reviewed and updated every four years. Fishing regulations and fisheries management decisions would occur largely on a case-by-case basis and the public, partners, and decision makers would not have clear criteria and information used to make management recommendations and decisions.

Alternative 2: Proposed Action

Reference *Background and Description of Proposed Project* above.

PUBLIC COMMENT AND FWP RESPONSE

During the public comment period FWP received numerous substantive public comments on the plans; however, no substantive public comments were received on the Draft EA. A substantive public comment was defined as the identification of a specific issue or impact.

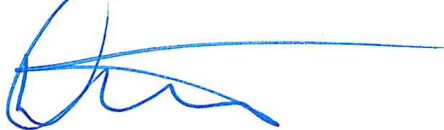
All substantive public comments received on the plan, and FWP's responses, are available for public review on FWP's website at <https://fwp.mt.gov/aboutfwp/public-comment-opportunities/fisheries-mgmt-plan>. If any member of the affected public is unable to access the public comments and FWP's responses, electronically, please contact FWP as listed below. By request, a copy of the public comments and FWP's responses will be provided in an acceptable format and free of charge.

DECISION

No substantive public comments were received on the Draft EA while numerous substantive public comments were received on the plans. Some substantive public comments resulted in minor changes to the plans. However, FWP determined the Draft EA adequately addressed the issues raised by the proposed action and any changes made to the plan fall within the scope of the Draft EA, meaning the Draft EA adequately addressed potential impacts of the proposed action, as modified. FWP's response to substantive public comments on the plans, including the identification of any resulting changes to the plans, are available for public review on FWP's website at <https://fwp.mt.gov/aboutfwp/public-comment-opportunities/fisheries-mgmt-plan>.

Based on the environmental review provided in the Draft EA, a lack of public comments received on the Draft EA, and in accordance with all applicable laws, rules, regulations, and policies, FWP determined the proposed action (Alternative 2), will not have significant adverse impacts on the affected physical environment and human population. Therefore, FWP determined Alternative 2, the proposed action, constitutes a reasonable and appropriate strategy to achieve the identified objectives and preparation of an EIS is unnecessary. FWP hereby adopts the Draft EA as final and approves Alternative 2, the proposed action.

Sincerely,



Dustin Temple
Director
Montana Fish, Wildlife & Parks